

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

ERVIN JOINER,

Plaintiff,

VS.

JONATHAN P. WATERS,

Defendant.

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NO. 5:25-cv-00144-MTT-CHW

ORDER

Plaintiff Ervin Joiner, a detainee in the Houston County Detention Facility in Perry, Georgia, has filed a handwritten document that has been docketed in this Court as a civil rights complaint under 42 U.S.C. § 1983. ECF No. 1. Plaintiff has not used the required 42 U.S.C. § 1983 form, paid the \$405.00 filing fee, or moved for leave to proceed *in forma pauperis* in this action.

Therefore, Plaintiff is **ORDERED** to (1) recast his complaint on a standard form, and (2) either pay the \$405.00 filing fee or submit a properly completed motion to proceed *in forma pauperis*. Plaintiff must complete the entire *in forma pauperis* application by filling out the motion and declaration as well as submitting “a certified copy of [his] trust fund account statement (or institutional equivalent) . . . for the 6-month period immediately preceding the filing of the complaint.” 28 U.S.C. § 1915(a)(2).

The recast complaint must contain a caption that clearly identifies, by name, each individual that Plaintiff has a claim against and wishes to include as a defendant in this action. Plaintiff is to name only the individuals associated with the claim or related claims that he is pursuing in this action. Plaintiff must then tell the Court exactly how that individual violated his constitutional or federal statutory rights, including (1) what each

defendant did (or did not do) to violate his rights; (2) when and where each action occurred; and (3) how Plaintiff was injured as a result of each defendant's actions. Plaintiff must complete the entire complaint form.

Plaintiff's recast complaint **shall take the place of and supersede all allegations made in the original pleading.** The Court will only consider the factual allegations and claims contained in Plaintiff's recast complaint on the enclosed § 1983 form. Thus, any fact Plaintiff deems necessary to his lawsuit should be clearly stated in his recast complaint, even if Plaintiff has previously alleged it in another filing. As stated above, Plaintiff must name each defendant he wishes to sue and if Plaintiff fails to link a named defendant to a claim, the claim will be dismissed.

Plaintiff shall have **FOURTEEN (14) DAYS** from the date of this Order to (1) refile his complaint on the Court's standard § 1983 form, and (2) either pay the \$405.00 filing fee or submit a properly completed motion to proceed *in forma pauperis*. The clerk is **DIRECTED** to mail Plaintiff a standard 42 U.S.C. § 1983 complaint form, and a copy of the Court's standard *in forma pauperis* application and associated documents with this Order. Plaintiff must immediately inform the Court in writing of any change in his mailing address and failure to do so may result in dismissal of this action. Plaintiff's failure to fully and timely comply with this Order may result in the dismissal of this action.

There shall be no service in this case pending further order of the Court.

SO ORDERED and DIRECTED, this 18th day of April, 2025.

s/ Charles H. Weigle
Charles H. Weigle
United States Magistrate Judge